

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

James C. Joyner, )  
Thomas Everette, Jr., )  
Plaintiffs, )  
v. )                   **JUDGMENT**  
                       )  
                       )  
James Poole, )                   No. 4:14-CV-208-BO  
Thomas W. King, )  
Defendants. )  
                       )

**Decision by Court.**

**IT IS ORDERED, ADJUDGED AND DECREED** that plaintiff Joyner is dismissed from this action for failure to prosecute and plaintiff Everette's complaint is dismissed pursuant to 28 U.S.C. section 1915(e)(2)(B). As plaintiff Everette is currently incarcerated, he is hereby notified that this dismissal shall serve as a strike for purposes of 28 U.S.C. § 1915(g). Altizer v. Deeds, 191 F.3d 540, 544 (4th Cir. 1999) (§ 1915(g) referred to as "three strikes" provision of PLRA). In light of the dismissal, plaintiff's motion for summary judgment [DE 5] is DENIED.

**This judgment filed and entered on March 13, 2015, and served on:**

James C. Joyner (via US Mail at 339 NC 111-1225, Tarboro, NC 27886)  
Thomas Everette, Jr. (via US Mail at Hyde Correctional Institution, P.O. Box 278, Swan Quarter, NC 27885 )

March 13, 2015

/s/ Julie Richards Johnston,  
Clerk of Court